(3)

IN THE HIGH COURT OF JUDICATURE AT BILASPUR

Crr.R. No. 192 /2006

APPLICANT : Vinod alias Vinay Shankar Kumbhkar, son of Shri Bhagirathi, aged about 25 years, resident of Village Pathariya, P.S. Pathariya, Tehsil Mungeli, District Bilaspur.

4981/06
17.11.06
Shrivastava Advocate
D.R.(J)

VS

NON-APPLICANT : Laxmi Bai, wife of Vinod alias Vinay Shankar Kumbhkar, aged about 23 years, resident of Marka Police Station, Pipariya, District Kabirdham.

APPLICATION UNDER SECTION 482 OF CODE OF CRIMINAL PROCEDURE, 1973

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(33)

मामला क्रमांक ..Cr.M.P..192/2006 **सन्** 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

28.02.2007

Shri Ghanshyam Patel, Counsel for the petitioner.

Heard on admission.

This petition has been filed under Section 482 of the Code of Criminal Procedure against the order dated 4.7.2006 passed in Criminal Revision No.11/2006 by the Additional Sessions Judge (FTC), Kabirdham, District – Kawardha. The aforesaid Criminal Revision was filed by this petitioner against the order dated 10/04/2006 passed in Miscellaneous Criminal Case No.13/2005 by the Judicial Magistrate First Class, Kawardha in a matter filed under Section 125 of Cr.P.C.

The brief facts are that the respondent herein filed an application under Section 125 of Cr.P.C. for grant of monthly maintenance against the petitioner on the ground of treating her with cruelty and also on account of petitioner contracting a second marriage with one Pushpa Bai. The aforesaid claim was resisted by the petitioner herein. For substantiating the claim before the Magistrate, respondent examined herself as A.W-1 and her 3 witnesses namely Dukhiram as A.W-2, Durgaprasad as A.W-3 and Rajkumar Kumbkar as A.W-4. The petitioner herein examined himself as N.A.W-1, Bhagirathi as N.A.W-2 and Chamru as N.A.W-3.

The learned Magistrate after appreciating the evidence produced by the parties held that the respondent was betrayed by the petitioner without any reason and he also held that the petitioner has contracted a second marriage with one Pushpa Bai according to *Chudi* system and holding so, he awarded a sum of Rs.400/- as the amount of monthly maintenance to the respondent. Against the aforesaid order passed by the Magistrate, the petitioner filed a Criminal Revision bearing No.11/2006, in which, the

(C)

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ....CMP/132/26 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Revisional Court after discussing the case of the parties in para 9 of the impugned order, dismissed the aforesaid revision confirming the findings recorded by the Magistrate and also confirming the monthly maintenance awarded to the respondent. It is against this order; the petitioner has filed this petition under Section 482 of the Code of Criminal Procedure.

Section 482 of the Code of Criminal Procedure saves the inherent powers of High Court. It provides that nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any Court or otherwise to secure the ends of justice.

After going through the entire record of this petition, it does not appear to me that in the present case any interference is required by this Court under Section 482 of Cr.P.C. and also there does not appear any abuse of process of the Court or the matter requires any order to secure the ends of justice. In fact, this is a second Revision Petition filed in the garb of Section 482 of the Code of Criminal Procedure by the same petitioner, which cannot be entertained by this Court.

In the facts and circumstances of this case, the petition has no merit and the same is dismissed at the motion stage itself.

Sd/-
Sunil Kumar Sinha
Judge